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Chairman: Mr. Maitland ..... (South Africa)

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The meeting was called to order at 3.10 p.m.

Requests for hearing

1. **The Chairman** drew attention to two communications containing requests for hearings concerning agenda item 19, relating to Gibraltar (A/C.4/57/2) and to Western Sahara (A/C.4/57/3 and Addenda 1-16). He took it the Committee wished to grant those requests.

2. *It was so decided.*

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/57/23 (Part II), chapters VI, IX-XI, A/57/23 (Part II/Add.1), A/57/23 (Part III), chapter XIII (D-F, H), A/57/206, Aide-mémoire 1/02, A/AC.109/2002/CRP.2)

Agenda item 80: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (*continued*) (A/57/23 (Part II), chapter VIII, A/57/23 (Part III), chapter XIII (A), A/57/74)

Agenda item 81: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/57/23 (Part II), chapter V, A/57/23 (Part III), chapter XIII (B))

Agenda item 82: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/57/23 (Part II), chapter VII, A/57/23 (Part III), chapter XIII (C), A/57/73, A/C.4/57/CRP.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/57/3)

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/57/90 and A/57/90/Add.1)

3. **Ms. Falzarano** (United Kingdom), said her Government, as an administering Power, was pleased to report that further progress had been made towards modernization and development of the relationship between the United Kingdom and its overseas Territories. The fourth annual meeting of the Overseas Territories Consultative Council had been held in London in September 2002, providing a forum for structured political dialogue between democratically elected Chief Ministers and Ministers of her Government with regard to the relationship, based on partnership, between the United Kingdom and its Territories.

4. That partnership continued to evolve: on 26 February 2002, the British Overseas Territories Act had become law, with effect 21 May 2002, granting citizens of the Territories British citizenship; it formally changed the nomenclature from "dependent" to "overseas" Territories in order to more accurately reflect the nature of the relationship. Furthermore, constitutional review was under way in almost all the Territories, for the first time with the participation of locally appointed review commissions, with a view to providing each Territory with a modern constitution suitable for its long-term development which reflected its specific circumstances. Some reviews were almost complete, others were well under way, and Ascension Island, for example, would have elected an island council by the end of 2002.

5. Work was under way to implement the Guiding Principles of the Environment Charter for the Overseas Territories, adopted in September 2001. Pilot projects had been approved for two Territories and would be carefully monitored for suitability elsewhere. Multilateral environmental agreements would be extended to the Territories and national legislation would be strengthened. Projects had been implemented to address key areas such as habitat restoration, surveys of living resources, tackling of invasive species and capacity-building for civil society institutions. Her Government would also assist the Territories to access regional and bilateral European Commission assistance within the framework of the November 2001 Overseas Association Decision.

6. The wishes of the peoples of the Territories, exercised in accordance with the Charter of the United Nations and other international treaties, were of paramount importance. The relationship between her Government and its Territories was based on fundamental principles such as self-determination, mutual obligations, freedom for the Territories to run their affairs to the greatest degree possible and the firm

commitment from her Government to help the Territories economically and during emergencies.

7. There was a basic commonality of approach between her Government and the Committee and she therefore regretted that relevant resolutions, in particular those of the Special Committee on decolonization, did not always properly reflect that commonality. The annual omnibus resolution recalled that there was no alternative to the principle of self-determination and it was unfortunate that the Special Committee continued to apply that principle selectively. Her Government fully intended to continue to work with the Special Committee, as had been demonstrated by the presence of a representative of her Government at the regional seminar of the Special Committee held in Fiji in 2002.

8. **Mr. Baali** (Algeria) stressed the crucial role the United Nations played in the emancipation of peoples. More than 80 nations, including Algeria, had achieved independence, the most recent being Timor-Leste, which provided an example for those peoples still living under the yoke of colonialism. Sixteen other Territories had yet to exercise successfully their right to self-determination, including the last territory in Africa still under foreign occupation, whose journey to self-determination had been interrupted by invasion and occupation in 1975. The people of Western Sahara had been frustrated in their desire to exercise their right to self-determination, despite the existence of the Settlement Plan negotiated by the United Nations, the Kingdom of Morocco and the Frente Polisario, the validity of which had been underlined by the Security Council in its resolution 1429 (2002).

9. Despite obstacles and delays, in February 2000 a provisional list of the 86,386 Western Saharans identified as being eligible to take part in the referendum on self-determination had been published. Unfortunately, some 139,000 appeals had been filed regarding those names, in spite of the agreement negotiated by the United Nations, the Frente Polisario and the Kingdom of Morocco that only appeals containing some new information should be allowed. The effect of those appeals had been to paralyse the Identification Commission, and the United Nations Secretariat, rather than applying the agreement on appeals, had not acted, allowing for attempts to impose a so-called third way or alternative solution involving pseudo-autonomy under Moroccan sovereignty under which all residents of the Territory, including the 300,000 Moroccan settlers, would decide on the final status of the Territory; that would inevitably lead to annexation of Western Sahara by the Kingdom of Morocco.

10. The Legal Counsel of the United Nations had informed the Security Council in January 2002 that Western Sahara was a Non-Self-Governing Territory of which Morocco was not the administering Power and over which it had no authority. Fortunately, the international community and the Security Council had opposed annexation by Morocco, upholding the validity of the original settlement plan.

11. His delegation had always supported the efforts of colonial peoples to exercise their right to self-determination, and he therefore reiterated its firm commitment to self-determination for the people of Western Sahara, which alone could put an end to the conflict between Morocco and the Frente Polisario. His delegation continued to support the efforts of the Secretary-General and his Personal Envoy to that end and called on the Committee to support the people of Western Sahara as it had supported other colonial peoples and reiterate its commitment to the settlement plan, the only framework accepted by the parties and the international community.

12. **Mr. McIvor** (New Zealand), speaking with regard to the situation in Tokelau, for which New Zealand was the administering Power, noted that Tokelau had become a full member of the Pacific Islands Forum Fisheries Agency and in November 2001, the Tokelau Employment Commission had become operational and good progress had been made in developing new programmes of work for Tokelau in accordance with General Assembly resolution 55/147. The regional seminar for 2002 organized by the Special Committee on decolonization, held in Fiji, had also provided a useful opportunity for broader discussion of issues relating to self-determination for Tokelau.

13. The Ulu-o-Tokelau and the Administrator of Tokelau had attended that meeting, at which the Administrator had noted his Government's intention to develop a relationship framework with Tokelau, reconfirming the parties' commitment to one another and clarifying expectations through a collaborative process during which Tokelau would have access to independent advice. A first draft of the framework document called the "Joint Statement of the Principles of Partnership between New Zealand and Tokelau" was

being presented to the Faipule in Apia that week and would be the subject of New Zealand/Tokelau discussions in November 2002. During the past year his Government had continued to support the Modern House of Tokelau project, a partnership aimed at promoting good governance, capacity-building and sustainable development on the path towards self-determination.

14. He welcomed the visit of the Special Committee on decolonization to Tokelau and New Zealand in August 2002. The report of that Mission (A/AC.109/2002/CRP.2) described the challenges facing Tokelau, reflected the views of its people and clarified to the latter that self-determination involved a range of options which would not necessarily entail severing links with New Zealand. The Mission had recommended that a study be conducted of the three decolonization options and that Tokelau and New Zealand consider developing an education programme to inform the population about the self-determination process.

15. He welcomed those recommendations and recalled that in 1986 his Government had outlined the three decolonization options, which had been translated into Tokelauan in a paper explaining the basic principles underlying each option; a more detailed explanation would be provided once the Modern House of Tokelau project was fully developed and the new relationship framework between Tokelau and New Zealand was in place. Those two measures established, respectively, internal decision-making structures and clearer liaison between New Zealand and Tokelau. The former would demonstrate the level of autonomy at which the Tokelauan administration would be able to operate effectively and the latter would provide for a more structured partnership for addressing constitutional arrangements and decolonization.

16. His Government, maintaining its partnership-based approach, expected to work closely with Tokelau to elaborate the details of the three options. The input of independent advisers, including the recommendations of the Mission of the Special Committee and United Nations Development Programme assistance for a study of the three options, would be welcome. The latter study should build upon the initial discussions between New Zealand and Tokelau about the nature of the decolonization options and be integrated into the existing New Zealand/Tokelau process in order to ensure that its conclusions were based on ideas which were relevant and meaningful to both Tokelau and New Zealand and made a constructive contribution to the process.

17. His Government was, however, of the opinion that it was too early in the decolonization process to implement the Mission's second recommendation on developing educational material on the decolonization options. It nevertheless remained committed to educating the people of Tokelau about their options, which was explicitly recognized in the draft relationship framework document, and to continued close cooperation with the Special Committee.

18. **Ms. Castro Goytia** (Bolivia) said that, as a member of the Special Committee on decolonization, Bolivia had participated in the mission to evaluate the situation of the Non-Self-Governing Territory of Tokelau. That visit had given her delegation a better understanding of the aspirations of its people, but had enabled it also to observe that they lacked adequate information about the impact of the three options for self-determination: independence, integration or free association. Consequently, her delegation supported the Committee's recommendation that a comprehensive study should be conducted for the people of Tokelau on the meaning and scope of the different options. It also stressed the importance of such visiting missions as a means of obtaining first-hand knowledge of actual conditions in the Non-Self-Governing Territories.

19. New Zealand should be commended for its excellent collaboration with the United Nations and Tokelau, and other administering Powers should follow its example in order to comply with the mandates established in the plan of action for the Second International Decade for the Eradication of Colonialism.

20. With regard to the sovereignty dispute over the Malvinas, South Georgia and South Sandwich Islands, Bolivia reiterated the terms of the Declarations on the Malvinas adopted at the 1996 and 1999 meetings of Presidents of the States members of MERCOSUR and of Bolivia and Chile. It hoped that the Governments of Argentina and the United Kingdom would resume negotiations in order to find a peaceful, just and lasting solution.

21. In the case of Western Sahara, the validity of the Settlement Plan should be underlined, as well as the work of the Secretary-General and his Personal Envoy to find a just, lasting and mutually acceptable solution

providing for the self-determination of the Saharan people.

22. Lastly, her delegation wished to highlight the success of the independence process in Timor-Leste and also the Pacific Regional Seminar, held in Fiji in May 2002 within the framework of the Second International Decade for the Eradication of Colonialism.

23. **Mr. Nambiar** (India) said that colonialism went against the tenets of democracy, freedom, dignity, progress and human rights. When the United Nations was established in 1945 almost one-third of the world's population, 750 million people, had lived in Non-Self-Governing Territories; currently, they numbered less than two million.

24. With the independence of Timor-Leste, 16 Non-Self-Governing Territories remained on the Special Committee's list. The General Assembly had declared the period 2001-2010 the second International Decade for the Eradication of Colonialism, which should give renewed impetus to the Special Committee's efforts. The right of the people of the Non-Self Governing Territories to choose the kind of political system they desired was of paramount importance, and the role of the Special Committee was to ascertain the specific political aspirations of the people of each of the remaining Territories. The administering Powers had a vital role to play, and the importance of participation in the work of the Special Committee could hardly be overemphasized. They should approach the task in a spirit of cooperation, understanding, political realism and flexibility. In that context, the recent mission to Tokelau, which had received the full cooperation of the New Zealand Government, had been exemplary.

25. His delegation hoped that that kind of interaction would be sustained and built upon and that lasting progress would be made in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples in each individual territory during the Second International Decade for the Eradication of Colonialism. India's colonial legacy helped create a broad-based solidarity between India and other erstwhile colonized peoples and nations, and it reaffirmed its commitment to ensuring that colonialism was banished forever.

26. **Mr. Lewis** (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM was playing an active part in fostering the future socio-economic, political and constitutional development of the seven remaining Small Island Non-Self-Governing Territories in the Caribbean: Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands and the United States Virgin Islands, since it had a direct bearing on the ongoing Caribbean regional integration process.

27. The elected Governments of most of those Territories were associate members of CARICOM, and many of the Territories were also active members of associated institutions. In times of distress, CARICOM States had assisted each other promptly, most recently with support to Montserrat for its recovery efforts following the devastating volcanic eruptions. Within the framework of the United Nations system, CARICOM had devised the mechanism for the representation of those Caribbean Non-Self-Governing Territories that enjoyed associate membership in the Economic Commission for Latin America and the Caribbean as official observers at the various United Nations world conferences in the social and economic sphere. It continued to support the observer status role for those territories in the international process, as well as the establishment of a similar role in the Economic and Social Council and the General Assembly so that the representatives of the elected Governments could present their views on issues affecting their political and economic development.

28. The Community commended the Special Committee on decolonization for its work in furthering the decolonization process of several of the small island Territories on its agenda by advancing dialogue with their representatives and with the administering Powers. The Special Committee must try to achieve concrete results. While it should be commended for adopting specific recommendations on the decolonization of the mostly small island Territories, the implementation of those recommendations by some administering Powers and by the United Nations system itself remained woefully insufficient. Analyses of existing conditions in indiviual Territories, which should have been carried out under the Plan of Action of the first International Decade for the Eradication of Colonialism, had not even been started several years into the Second International Decade, and there was no commitment that the work would be done. Longstanding resolutions calling for political education programmes in the Territories to foster an awareness of

the available political options had largely been ignored and, in too many cases, the principle of the people of the Territories' inalienable right to ownership of natural resources continued to be disregarded. Those who had achieved self-governance had been successful principally because of unwavering adherence to the parameters of self-determination contained in General Assembly resolution 1541 (XV), which had defined the three political options for independence. The international community should not falter in its commitment to those principles for the sake of expediency, by legitimizing current arrangements of dependence.

29. The Community called for the full implementation of the resolutions on decolonization and the Plan of Action for the Second International Decade for the Eradication of Colonialism. The issue of decolonization had become more complex and required innovative solutions. However, it was clear that it related to the quest for political development and self-determination by the people of the territories themselves. It was an obligation of the United Nations to help Territories achieve full self-government with absolute political equality.

30. The question of Western Sahara had been on the agenda of the United Nations since the 1960s and involved the right to self-determination, one of the Organization's fundamental principles. As long as the conflict continued, the security of a significant part of the Maghreb would remain at risk. The CARICOM delegations maintained their full support for the United Nations Settlement Plan and urged both parties to engage in negotiations to agree on the mechanisms for a free and fair referendum.

31. **Ms. Perez-Contreras** (Venezuela) associated her delegation with the statement made by the representative of Costa Rica on behalf of the Rio Group and reiterated the hope that the decolonization process that the United Nations had promoted for more than 40 years would soon be concluded satisfactorily.

32. As a member of the Special Committee on decolonization, Venezuela was particularly satisfied to welcome the free and sovereign State of Timor-Leste to the international community; its independence represented a high point in the history of the efforts of the United Nations to ensure the right of self-determination to all peoples. The admission of Timor-Leste and Switzerland as full members of the United Nations strengthened the principle of universality that had always characterized the Organization.

33. The Special Committee would be discussing the overall conditions in the remaining Non-Self-Governing Territories. It was an appropriate opportunity to try to develop a strategy allowing it to overcome the obstacles that had prevented the full implementation of the resolutions on decolonization. The presence during the discussions of Government representatives and petitioners from those Territories, and from different specialized organizations, would provide a first-hand source of information to assist the Committee in its decision-making.

34. In practice, the process of decolonization had proved to be very complex; the work of the Special Committee on decolonization would only be successful if it could count on the collaboration of the principal actors in the pending cases, and of the international community as a whole. In that respect, the administering Powers had a particular responsibility, because it was crucial that they should cooperate with the Committee as it examined their respective Territory. She called on those that had not already done so to collaborate with missions, regional seminars and other activities planned by the Committee.

35. The positive results of the most recent visiting mission to Tokelau should lead to future visiting missions in other Territories. That visit had contributed detailed information on the general conditions in Tokelau and its relationship with the administering Power, and increased the conviction that only cooperation and coordination with those involved in the process would lead to the achievement of sustainable solutions.

36. With regard to the remaining Non-Self-Governing Territories, Venezuela wished to reiterate its support for the Argentine claims to sovereignty with regard to the Malvinas Islands and urged the Governments of Argentina and the United Kingdom to resume conversations in order to find a just and lasting solution to the dispute. In the case of Western Sahara, a referendum should be held in the immediate future in accordance with the provisions of the 1991 Settlement Plan. The Saharan people should be allowed to exercise freely their right to decide their own future since, in the decolonization process, there was no alternative to the principle of self-determination. The parties should cooperate with the Secretary-General and his Personal

Envoy in implementing the different measures set out in the Settlement Plan in order to find a peaceful, just and lasting solution; anything else could be interpreted as a failure of the United Nations.

37. **Mr. Ovia** (Papua New Guinea) said that his delegation joined others in welcoming Timor-Leste as a State Member of the United Nations. All Member States, and in particular the members of the Special Committee on decolonization, took particular pride in that event: for many years, representatives of East Timor had come before that Committee, as well as before the Fourth Committee, to petition and to make their views known. It had been a long and determined struggle, and had paid off handsomely. Tribute should be paid to all parties, among them the Secretary-General, the Security Council, the United Nations Transitional Administration in East Timor (UNTAET), Australia, Indonesia, Portugal, and the people of Timor-Leste.

38. Much, however, remained to be done. At the start of the Second International Decade for the Eradication of Colonialism, he was confident that the Special Committee on decolonization would complete its work and fulfil the dreams of the peoples of the remaining 16 Non-Self-Governing Territories on its list. With the full cooperation of all the administering Powers, he was optimistic that the Special Committee on decolonization would be able to complete the programmes of work for each of the 16 Territories within the new decade. Most of the Territories were located in the Pacific and Caribbean regions, and their small size, remoteness and small populations presented unique problems and challenges. In that regard, the Special Committee on decolonization and the Fourth Committee needed to change their perspectives and methods of work to better assist the peoples of those Territories.

39. His Government supported the development of programmes of work for each Territory, on a case-by-case basis, an approach which would require innovation and foresight. If such programmes were developed with the cooperation of all parties, in particular the peoples of the Territories themselves, it should be possible to pave the way to self-determination without duress.

40. Papua New Guinea, like other members of the Special Committee on decolonization, remained convinced that that Committee, in conjunction with the Fourth Committee, could achieve the goals mandated by the General Assembly. Progress could not be made, however, without the full cooperation of all the administering Powers. His delegation hoped that the United States of America and the United Kingdom would show the same constructive spirit continually demonstrated by New Zealand and France. With their cooperation, the Special Committee on decolonization could move swiftly towards the formal adoption of programmes of work for the 16 remaining Non-Self-Governing Territories.

41. His delegation had participated in the recent United Nations mission to Tokelau Islands. As a result of that visit, he was confident that the Special Committee on decolonization and the Government of New Zealand, as the administering Power, would implement a programme of work for Tokelau targeted to its unique situation. Progress was clearly being made.

42. In addition, informal consultations on the cases of American Samoa and Pitcairn Island with the two administering Powers, the United States of America and the United Kingdom, had begun. Furthermore, it should be possible, with the good will of all parties concerned, to make progress on the cases of New Caledonia and Western Sahara. Western Sahara was, in fact, an ongoing initiative of the Secretary-General, through his Special Representative for Western Sahara. The Government of Papua New Guinea joined others in calling on all parties within those Territories to place the interests of the Kanak and Saharan peoples at the top of their agenda. He commended the General Assembly for declaring 2001-2010 the Second International Decade for the Eradication of Colonialism, which would give the Special Committee on decolonization and the administering Powers the necessary time to complete their work.

43. In the view of his delegation, no distinction should be made among the remaining Territories. Programmes of work should be developed universally, and applied to each Territory on a case-by-case basis. In that regard, the experiences of New Caledonia and Tokelau should serve as a guide.

44. **Mr. Kafando** (Burkina Faso) said that the Fourth Committee had reason to be proud, since its deliberations had led to the decolonization of East Timor, which, now officially known as Timor-Leste, would fly the flag of independence and sovereignty

forever. His delegation wished full prosperity to that new State.

45. As an African nation, Burkina Faso had a particular interest in the question of Western Sahara, and believed that the topic must be handled with tact and discretion. Firstly, it was concerned that the parties to the conflict should continue to cooperate with the United Nations and to seek a peaceful resolution. No action should be taken which would sully or compromise the process under way. Any relevant action by the General Assembly should conform with Security Council resolution 1429 (2002), and the Fourth Committee should do its utmost to avoid the adoption of any resolution that contradicted it in spirit or letter. The efforts that had been undertaken by the United Nations, in particular by the Secretary-General and by his Special Representative, on behalf of Western Sahara were invaluable. It was the responsibility of all Member States to assist them in helping Morocco and the Frente Polisario to reach a solution. In that regard, he wished to reiterate his delegation's confidence and support.

The meeting rose at 4.35 p.m.